

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s):	S.K. MA	Examiner	Sara M. Hanne
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TITLE	METHOD, SYSTEM, AND PROGRAM FOR NAVIGATING FILES		

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/David Victor/

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**REPLY BRIEF**

This Reply Brief is submitted in response to the Examiner Answer dated December 16, 2010 ("Answer").

On pages 3-12 of the Answer, the Examiner repeats the findings from the Final Office Action being appealed, which Applicants traverse for the reasons discussed in the Appeal Brief.

Applicants submit herein a Reply to the additional points the Examiner raised in the Response to Arguments on pgs. 12-20 of the Answer.

1. Claims 1, 31, and 40

On pg. 13, the Examiner characterized Moehrle (U.S. Patent No. 7,216,301) as teaching:

Once one of the links is selected, it is saved in a history panel of previously selected links in the top row of the display, and it's children are displayed in the searching panel beneath the top row panel. Once the user selects one of the child links, it is saved in a history panel of links in the top row of the display (Fig. 6A ref. 10 illustrated after selection in Fig. 6B), and it's children are displayed beneath them (Fig. 6A below ref. 10) and thereon. This concept is illustrated throughout the specification and the drawings (Fig. 4B-C, Fig. 5A-C, Fig. 6A-B).

Applicants traverse the above characterization of Moehrle as displaying selected links in a history panel and search panel as claimed. FIG. 6A shows an initial view of the initial collapsing menu system. The active path 100 is absent because no menu item has been selected. As the user rolls over a menu item, the children are displayed. FIG. 6A shows the user rolling over links 1.2, 1.2.3, and 1.2.3.4. (Moehrle, col. 7, lines 40-646) FIG. 6B shows the active path

100 after the use selects menu item 1.2.3.4, and the menu system collapses once the user selects a menu item. The active path 101 shows the selections. (Moehrle, col. 7, lines 47-16).

The Examiner characterizes the display of FIG. 6A and 6B as the claimed history panel and search panel. This characterization is incorrect because in Moehrle what is shown in FIGs. 6A and 6B are not separate search and history panels displayed concurrently and separately. Instead, FIGs. 6A and 6B show different views of the active path in different states. For instance, Moehrle mentions "FIG. 6A shows an initial view of the conventional collapsing menu system. The Active path 100 is absent from FIG. 6A because no menu item has been selected." (Moehrle, col. 7, lines 40-43). "FIG. 6B shows the Active Path 100 after the user selected menu item 1.2.3.4", where the "conventional collapsing menu system collapses once the user has selected a menu item". (Moehrle, col. 7, lines 48-51). Thus, FIGs. 6A and 6B are different views of the same menu system resulting from different user actions with respect to selecting links from the menu. "It should be noted that the menu system (pull down menu tree) 10 collapses when the user selects end node 12.2.3.4, whereupon Active Path 100 appears, and that the user may select different hierarchical levels simply by selecting different active links". (Moehrle, col. 7, lines 63-66)

Accordingly, the cited FIGs. 6A and 6B are not separate history and search panels concurrently displayed as claimed, wherein the claimed search panel displays data set names and the claimed history panel displays first and second selected data set names and selected components hierarchically. Instead, with Moehrle, lower level menu items or links are displayed as the user rolls over a menu item, and when the user selects an end node, the menu system collapses and an active path 100 as shown in FIG. 6B appears. The other pairs of figures, FIGs. 4A, 4B, 5A-C show a similar arrangement.

Applicants also traverse the Examiner characterization that "[o]nce the user selects one of the child links, it is saved in a history panel of links in the top row of the display (Fig. 6A ref. 10 illustrated after selection in Fig. 6B), and it's children are displayed beneath them (Fig. 6A below ref. 10) and thereon." (Answer, pg. 13) Instead, in FIG. 4a, 5a, 6a, once a user rolls over an item, its children sublinks are displayed. When the user selects an end node, the menu system, tree collapses and the active path 100 appears of selections.

Applicants further traverse the Examiner characterization that "Moehrle teaches the history panel (the top line of Fig. 5B) and search panel (lines beneath top line of Fig. 5B) are

rendered concurrently in a GUI.” (Answer, pg. 13, 1<sup>st</sup> full para.) A discussed with respect to FIGs. 6A and 6B above, what is displayed are different views of the same menu depending on what the user has selected, i.e., the menu in different states, not concurrently displayed search and history panels. For instance, Moehrle notes that only the siblings of the active link are displayed as shown in FIG. 5A and the children are displayed after a time delay (FIG. 5B). (Moehrle, col. 5, lines 33-40) Moehrle does not show separate history and search panels as claimed but instead shows the top line of FIG. 5b as active links 102 that when selected display lower menu items as shown in FIG. 5B (Moehrle, col. 5, lines 54-64). In fact, Moehrle states “[i]t should be noted that simply rolling over an active link 102 does not alter the Active Path 100; it merely causes the sibling menu items to be displayed.” (Moehrle, col. 5, lines 62-64) Thus, Moehrle does not disclose that a separate history panel is displayed to display data set names and selected file components of the selected data set names concurrently with a search panel concurrently displaying the data set and component names the user has selected and may select. The cited Moehrle instead has a single view or panel of active links that when selected cause a further display of their sibling menu items or links in a “drop down” fashion from the selected item. Thus, it is incorrect and artificial for the Examiner to characterize the single view of Moehrle of links and sublinks as comprising separate concurrently displayed search and history panels as claimed.

The Examiner further characterizes the history panel in FIG. 8 of Rochford as a history panel displaying selected first and second data set names and selected components of the selected data sets in a hierarchical arrangement as claimed. This characterization is incorrect because the history menu of FIG. 8 when selected displays a pop-up window of previously selected regions and network features. (Rochford, col. 16, lines 56-67) Applicants submit that displaying previously selected regions and network features as mentioned in Rochford does not comprise a history panel displayed concurrently with a search panel to display selected data set names and their selected components hierarchically as selected from the search panel, while the search panel concurrently renders in the GUI the selected displayed file component names associated with the selected second data set name. Instead, Rochford shows a history of network features displayed from geographically driven views.

On pg. 14 of the Answer, the Examiner provides a Table associating elements from the cited Moehrle and Rochford with the claim elements. Applicants traverse the associations the Examiner makes for the following reasons.

First off, the elements of the cited Moehrle and Rochford do not teach displaying and allowing selection of data set names, where each data is associated with file components, and the file components for a selected data set name. Moehrle concerns the display of active links to provide selection of functions associated with active links or a further submenu, not selection of data set names and their component files as claimed. Rochford discusses the selection of geographical locations and network features within the geographical locations that are selected.

In the Table, the Examiner cites the active links 1.2.3 and 1.2.4 in FIG. 4B as the first and second data sets and their children that are displayed, when they are selected, as the file components. However, as explained above, the cited Moehrle does not show a separate search panel in which the data set names, or active links are selected, separate from a separate history panel that shows the same selected links (data set names) and their sublinks (component files). Instead, the cited FIG. 4B and other views of Moehrle show just a single display of links and their submenu in different states. The cited FIG. 4C shows an active path of active links, but there is no teaching that this is displayed concurrently with a search panel or the view of FIG. 4B. In fact, Moehrle suggests the opposite in its statement that “[i]t should be noted that the menu system (pull-down menu tree) 10 collapses when the user selects end node 1.2.3.4 whereupon the Active Path 100 appears.” (Moehrle, col. 7, lines 63-66)

With respect to Rochford, the Examiner likens regions, e.g., Toronto, Ottawa, one would select the GUI shown in FIG. 2A as a base view (Rochford, col. 12, lines 1-47) to the data set names, and the network features one would select after the base view was selected (Rochford, col. 12, lines 56-67) as file components. Rochford has different GUI views allowing selection first of a region and then selection of network features. This does not teach the claimed search panel which as claimed requires displaying the first and second data set names and then displaying the names of file components associated with a selected data set in the same search panel, which is displayed concurrently with the history panel. Instead, Rochford provides different views and GUI windows in FIGS. 2A, 3A-3C to provide for selection of regions and then network features. Not a same search panel as claimed.

Further, Rochford also does not teach the rendering of such a claimed search panel with a history panel showing first and second data set names and their selected file components in a hierarchical tree arrangement with the search panel separately rendering the selected displayed file component names associated with the selected second data set name. The cited FIG. 8 is a pop up window showing previously selected regions and network features. However, the Examiner has not shown where Rochford teaches displaying such a history pop up window concurrently with a search panel separately rendering the selected displayed file component names associated with the selected data set name.

Yet further, the cited FIG. 8 of Rochford does not show the selected regions and features in a hierarchical tree arrangement as claimed. Instead, the cited FIG. 8 shows the regions and their selected features grouped together with vertical lines showing the groupings. The Examiner contends that FIG. 8 is hierarchical in that in each group, there is a vertical line designation, with the parent at the bottom, then first child and second child. (Answer, pg. 17). Applicants submit that this display of lines connecting selected items does not teach a hierarchical tree arrangement as claimed.

Applicants submit that all the above outlined distinctions between the claimed search and history panels and the views discussed in Moehrle and Rochford taken together show that the claims distinguish over the cited Moehrle and Rochford that provide different ways to display information on selection options and previously selected items.

On pg. 16 of the Examiner Answer, the Examiner stated

what is not taught here in Moehrle is that the selection of the first data set name and first selected file component name remains in the history panel after selection of the second data set name and second selected file component alongside the second or currently selected data set name and file component rather than it being replaced by the second data set name and file component as is taught by Moehrle.

The Examiner then goes on to cite FIG. 8 of Rochford as addressing the deficiencies of Moehrle. (Examiner Answer, pg. 17). However, as Applicants have pointed out above, the cited Rochford does not overcome the noted deficiencies. For instance, Rochford discusses a display of previously selected regions and network features in FIG. 8 that are displayed in a pop up window. (Rochford, col. 16, lines 56-65) However, the Examiner has not shown where Rochford teaches the additional deficiencies of the claim requirements of displaying such history

information in a hierarchical tree concurrently with a search panel separately rendering the selected displayed file component names associated with the selected second data set name.

2. Claims 2, 32, and 41

Claims 2, 32, and 41 depend from claims 1, 31, and 40, and further require that the first and second data set names are displayed as a parent at a higher hierarchical level to the file components associated with the displayed first and second data set names, wherein the file components are rendered as children in the history panel of the first or second data set with which they are associated.

In the Response, the Examiner additionally cited FIG. 5B and link 1.2.4 and selected components. (Answer, pg. 18) Although FIG. 5b shows a view of links and their selection and display of sublinks of selected links, this does not teach or suggest displaying selected items in a history panel in a hierarchical component where a selected file component is displayed as a child of a selected data set name with which the file component is associated, where the history panel is concurrently displayed with a search panel in which the data set names and file components are selected. Instead, FIG. 5B shows a single display of links and sublinks to allow selection of a function.

The Examiner finds that Rochford displays selected file components as children in the history window of FIG. 8 of the selected first or second data set with which they are associated in the display of links between the region and network features the user selected. Applicants traverse and submit that the vertical lines between elements in FIG. 8 do not show which items are children and parents. Instead, one needs to read the details of the operation of Rochford to determine the relationship of the items shown in the history window 802 of FIG. 8. Thus, the cited vertical line grouping elements in FIG. 8 does not teach or suggest displaying data set names and file components as parents and children at different hierarchical levels of a hierarchical tree.

3. Claims 4, 34, and 43

Claims 4, 34, and 43 depend from claims 1, 31, and 40, respectively, and further require transmitting a request for file component names of the selected data set name, wherein the

displayed file component names comprise file component names returned in response to the transmitted request for file component names.

Applicants agree with the Examiner comment on pg. 19 of the Answer that these claims do not recite that the file components include source code files and that such a feature cannot be used to distinguish these particular claims. However, Applicants submit that the cited col. 9, lines 16-20 of Moehrle (Answer, pgs. 6, 19) does not teach the requirements of these claims for the following reasons.

The cited col. 9 mentions a data file representing the hierarchical structure of a multi-level hierarchical website is either constructed or retrieved from the server. The data file representing the information hierarchy of the location may be dynamically created from the directory structure and the hypertext markup language (HTML) available on the server and client files.

In the cited col. 9, the cited data file does not comprise the file components that the user selects from the search panel as claimed. For instance, the Examiner has not shown where Moehrle teaches or suggests that the cited data file comprise sublinks that would be displayed in response to selection of an active link in the active link displays of FIGs. 4-6. Instead, the cited data file represents the information hierarchy that the user browses using the active path. (Moehrle, col. 9, lines 23-27).

For instance, the claims require that a request is transmitted for the file component names of a selected data set name, where the displayed file component names are those file component names returned in the response to the transmitted request. To compare to the cited Moehrle, the Examiner has not shown where Moehrle discloses that sublinks displayed upon selection of an active link are requested in response to selection of the active link and then returned to display. Instead, the cited data file in Moehrle appears to represent a website the user navigates using the active link discussed in FIGs. 4-6, not sublinks to display that are requested and returned in response to selection of one active link.

4. Claims 49, 50, and 51

Claims 49, 50, and 51 depend from claims 1, 31, and 40, respectively, and recite that the file components include source code files being accessed by a developer.

In the Answer, the Examiner stated that the combined references of Moehrle and Rochford would operate the same way whether the files were source code files being accessed by a developer or any other hierarchical system. The fact that they are source code files is a nonfunctional distinction. (Answer, pgs. 19-20).

Applicants traverse these findings because in the claims, the cited source code files are statutory functional material because they comprise source code files being accessed by a developer.

Applicants note the definition and patentability of “functional descriptive material” and “non-functional descriptive material” as presented in the Manual of Patent Examination and Procedure (MPEP):

Descriptive material can be characterized as either “functional descriptive material” or “nonfunctional descriptive material.” In this context, “functional descriptive material” consists of data structures and computer programs which impart functionality when employed as a computer component..... “Nonfunctional descriptive material” includes but is not limited to music, literary works, and a compilation or mere arrangement of data.

....

Computer programs are often recited as part of a claim. USPTO personnel should determine whether the computer program is being claimed as part of an otherwise statutory manufacture or machine. In such a case, the claim remains statutory irrespective of the fact that a computer program is included in the claim. The same result occurs when a computer program is used in a computerized process where the computer executes the instructions set forth in the computer program. Only when the claimed invention taken as a whole is directed to a mere program listing, i.e., to only its description or expression, is it descriptive material per se and hence nonstatutory.

MPEP Sec. 2106.01, pg. 2100-17 to 18 (Rev. 8, July 2010).

In this case, the cited file components including “source code files” comprise “functional descriptive material” because they are computer programs which impart functionality in being a computer program and in being accessed by a developer as claimed. Moreover, the claimed source code files are being claimed as part of a statutory manufacture or machine because they are being accessed by a developer. Moreover, claims 50 and 51 depend from claims 31 and 30, which recite a computer readable storage medium, thus providing additional statutory basis for the patentability of this “functional descriptive material”.

The cited Weber discusses using a GUI interface for Java source files in a Java application development environment. Although Weber discusses displaying source code, the

Examiner has not cited where the cited combination teaches the combination of requirements of a search panel and history panel to provide for the display and selection of file components and data sets comprising source code files.

Conclusion

For all the above reasons and those discussed in the Appeal Brief, Applicant request that the Board reverse the rejection of claims 1-4, 7-10, and 31-34, 36-43, and 45-51.

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